

Article - General Provisions

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§3-401.

- (a) (1) This section does not apply to the action of:
 - (i) appropriating public funds;
 - (ii) imposing a tax; or
 - (iii) providing for the issuance of bonds, notes, or other evidences of public obligation.
- (2) This section does not authorize a court to void an action of a public body because of any violation of this title by another public body.
- (3) This section does not affect or prevent the use of any other available remedies.
- (b) (1) If a public body fails to comply with § 3-301, § 3-302, § 3-303, § 3-305, or § 3-306(c) of this title, any person may file with a circuit court that has venue a petition that asks the court to:
 - (i) determine the applicability of those sections;
 - (ii) require the public body to comply with those sections; or
 - (iii) void the action of the public body.
- (2) If a violation of § 3-302, § 3-305, or § 3-306(c) of this title is alleged, the person shall file the petition within 45 days after the date of the alleged violation.
- (3) If a violation of § 3-301 or § 3-303 of this title is alleged, the person shall file the petition within 45 days after the public body includes in the minutes of an open session the information specified in § 3-306(c)(2) of this title.
- (4) If a written complaint is filed with the Board in accordance with § 3-205 of this title, the time between the filing of the complaint and the mailing of the written opinion to the complainant and the affected public body under § 3-207(d) of this title may not be included in determining whether a claim against a public body

is barred by the statute of limitations set forth in paragraphs (2) and (3) of this subsection.

(c) In an action under this section:

(1) it is presumed that the public body did not violate any provision of this title; and

(2) the complainant has the burden of proving the violation.

(d) A court may:

(1) consolidate a proceeding under this section with another proceeding under this section or an appeal from the action of the public body;

(2) issue an injunction;

(3) determine the applicability of this title to the discussions or decisions of public bodies;

(4) declare the final action of a public body void if the court finds that the public body willfully failed to comply with § 3–301, § 3–302, § 3–303, or § 3–306(c) of this title and that no other remedy is adequate;

(5) as part of its judgment:

(i) assess against any party reasonable counsel fees and other litigation expenses that the party who prevails in the action incurred; and

(ii) require a reasonable bond to ensure the payment of the assessment; and

(6) grant any other appropriate relief.

(e) (1) A person may file a petition under this section without seeking an opinion from the Board.

(2) The failure of a person to file a complaint with the Board is not a ground for the court to stay or dismiss a petition.

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